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United States Department of State
Bureau of Consular Affairs

VISA BULLETIN

Number 55 Volume VII

Washington, D.C.

IMMIGRANT NUMBERS FOR OCTOBER 1995

A. STATUTORY NUMBERS

1. This bulletin summarizes the availability of immigrant numbers during October. Consular officers are required to report to the Department of State documentarily qualified applicants for numerically limited visas; the Immigration and Naturalization Service reports applicants for adjustment of status. Allocations were made, to the extent possible under the numerical limitations, for the demand received by September 8th in the chronological order of the reported priority dates. If the demand could not be satisfied within the statutory or regulatory limits, the category or foreign state in which demand was excessive was deemed oversubscribed. The cut-off date for an oversubscribed category is the priority date of the first applicant who could not be reached within the numerical limits. Only applicants who have a priority date earlier than the cut-off date may be allotted a number. Immediately that it becomes necessary during the monthly allocation process to retrogress a cut-off date, supplemental requests for numbers will be honored only if the priority date falls within the new cut-off date.

2. Section 201 of the Immigration and Nationality Act (INA) sets an annual minimum family-sponsored preference limit of 226,000. The worldwide level for annual employment-based preference immigrants is at least 140,000. Section 202 prescribes that the per-country limit for preference immigrants is set at 7% of the total annual family-sponsored and employment-based preference limits, i.e., a minimum of 25,620. The dependent area limit is set at 2%, or a minimum of 7,320.

3. Section 203 of the INA prescribes preference classes for allotment of immigrant visas as follows:

FAMILY-SPONSORED PREFERENCES

First: Unmarried Sons and Daughters of Citizens: 23,400 plus any numbers not required for fourth preference.

Second: Spouses and Children, and Unmarried Sons and Daughters of Permanent Residents: 114,200, plus the number (if any) by which the worldwide family preference level exceeds 226,000, and any unused first preference numbers:

A. Spouses and Children: 77% of the overall second preference limitation, of which 75% are exempt from the per-country limit;

B. Unmarried Sons and Daughters (21 years of age or older): 23% of the overall second preference limitation.

Third: Married Sons and Daughters of Citizens: 23,400, plus any numbers not required by first and second preferences.

Fourth: Brothers and Sisters of Adult Citizens: 65,000, plus any numbers not required by first three preferences.

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EMPLOYMENT-BASED PREFERENCES

First: Priority Workers: 28.6% of the worldwide employment-based preference level, plus any numbers not required for fourth and fifth preferences.

Second: Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability: 28.6% of the worldwide employment-based preference level, plus any numbers not required by first preference.

Third: Skilled Workers, Professionals, and Other Workers: 28.6% of the worldwide level, plus any numbers not required by first and second preferences, not more than 10,000 of which to "Other Workers".

Fourth: Certain Special Immigrants: 7.1% of the worldwide level.

Fifth: Employment Creation: 7.1% of the worldwide level, not less than 3,000 of which reserved for investors in a targeted rural or high-unemployment area, and 300 set aside for investors in regional centers by Sec. 610 of P.L. 102-395.

4. INA Section 203(e) provides that family-sponsored and employment-based preference visas be issued to eligible immigrants in the order in which a petition in behalf of each has been filed. Section 203(d) provides that spouses and children of preference immigrants are entitled to the same status, and the same order of consideration, if accompanying or following to join the principal. The visa prorating provisions of Section 202(e) apply to allocations for a foreign state or dependent area when visa demand exceeds the per-country limit. These provisions apply at present to the following oversubscribed chargeability areas: INDIA, MEXICO, and PHILIPPINES.

5. On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are available for all qualified applicants; and "U" means unavailable, i.e., no numbers are available. (NOTE: Numbers are available only for applicants whose priority date is earlier than the cut-off date listed below.)

PREFERENCES

<u>Family</u>	All Charge- ability Areas Except Those Listed	CHINA- mainland born	INDIA	MEXICO	PHILIPPINES
1st	C	C	C	01APR95	15JAN86
2A*	01JUL92	01JUL92	01JUL92	22FEB92	01JUL92
2B	01JUN90	01JUN90	01JUN90	01JUN90	01JUN90
3rd	01MAR93	01MAR93	01MAR93	08JUL87	01MAR84
4th	22AUG85	22AUG85	15APR84	01NOV84	15SEP77

*NOTE: For OCTOBER, 2A numbers EXEMPT from per-country limit are available to applicants from all countries with priority dates earlier than 22FEB92. 2A numbers SUBJECT to per-country limit are available to applicants chargeable to all countries EXCEPT MEXICO with priority dates beginning 22FEB92 and earlier than 01JUL92. (2A numbers subject to per-country limit are "unavailable" for applicants chargeable to MEXICO.) (The three-year transition program which had provided additional visas for spouses/children of legalization beneficiaries has ended; petitions approved on behalf of such spouses/children continue to accord them status in the Family 2A preference, however.)

<u>Employment- Based</u>	All Charge- ability Areas Except Those Listed	CHINA- mainland born	INDIA	MEXICO	PHILIPPINES
1st	C	C	C	C	C
2nd	C	C	C	C	C
3rd	C	C	C	C	01MAY94
Other Workers	01MAR91	01MAR91	01MAR91	01MAR91	01MAR91
4th	C	C	C	C	02DEC93
Certain Religious Workers	C	C	C	C	02DEC93
5th	C	C	C	C	C
Targeted Employ- ment Areas/ Regional Centers	C	C	C	C	C

The Department of State has available a recorded message with visa availability information which can be heard at: (area code 202) 663-1541. This recording will be updated in the middle of each month with information on cut-off dates for the following month.

B. DIVERSITY IMMIGRANT (DV) CATEGORY

Section 203(c) of the Immigration and Nationality Act provides 55,000 immigrant visas each fiscal year (beginning with FY-1995) to provide immigration opportunities for persons from countries other than the principal sources of current immigration to the United States. DV visas are divided among six geographic regions. Not more than 3,850 visas (7% of the 55,000 visa limit) may be provided to immigrants from any one country.

The allotment of FY-1996 visa numbers for each region is as follows: Africa, 20,426; Asia, 7,087; Europe, 24,257; North America (Bahamas), 8; South America, Central America, and the Caribbean, 2,407; and Oceania, 815.

For October, immigrant numbers in the DV category are available to qualified applicants chargeable to all regions/eligible countries on a "CURRENT" basis.

(NOTE: All regions/countries will be "Current" for November and December as well. It remains to be seen if applicant demand will increase sufficiently to require oversubscription of any region/country for a subsequent month.)

October 1995

C. DV-96 LOTTERY RESULTS

Further to item E in Visa Bulletin No. 54, the total of applicants registered for the DV-96 program chargeable to Venezuela is 190. Two persons had been listed for Colombia, which is not a qualified country for the DV-96 program; those applicants were actually entitled to Venezuela chargeability through spouse and should have been included in the Venezuela figure.

D. NOTE ON FY-96 PREFERENCE IMMIGRANT VISA NUMBER AVAILABILITY

INS use of visa numbers, particularly in the Family 2A and the "Other Workers" categories, is increasing dramatically in consequence of many adjustment of status applications filed under INA 245(i). In the months ahead, INS number use is expected to be very heavy. As a result, there will be limited movement of some preference cut-off dates during FY-96.

Mexico Family First preference is oversubscribed for October and this cut-off date is not likely to advance in the foreseeable future.

As demand for visa numbers increases, the prospect of cut-off date retrogression in certain categories also increases. Retrogression is not likely in the early months of the fiscal (visa) year, but interested parties should remain alert to the possibility as the year proceeds.

E. RECENT AMENDMENTS TO THE VISA PORTION OF THE FOREIGN AFFAIRS MANUAL (FAM)

Transmittal Letters VISA-109A dated August 9, 1995, and VISA-120 dated August 25, 1995, which update the visa portion (Vol. 9) of the FAM, are now available.

VISA-109A corrects errors which were contained in 9 FAM, Part II, Section 41.111 Procedural Notes issued under VISA-109. VISA-120 updates 9 FAM, Part I, Section 41.21 Exhibit I, adding four new International Organizations designated by Executive Order 12904.

There is a charge of \$.75 per copy of VISA-109A, and \$1.00 per copy of VISA-120. A check payable to the Department of State must accompany the order. These TLs may be obtained from:

Distribution Services (OIS/PS/PR)
Room B847 A
Department of State
Washington, D.C. 20520

OBTAINING THE MONTHLY VISA BULLETIN: The Department of State's Bureau of Consular Affairs now offers the monthly "Visa Bulletin" on the INTERNET. The INTERNET address to access the Bulletin is DOSFAN.LIB.UIC.EDU. From the gopher menu, select Travel Information and you will find the Visa Bulletin in the Bureau of Consular Affairs section.

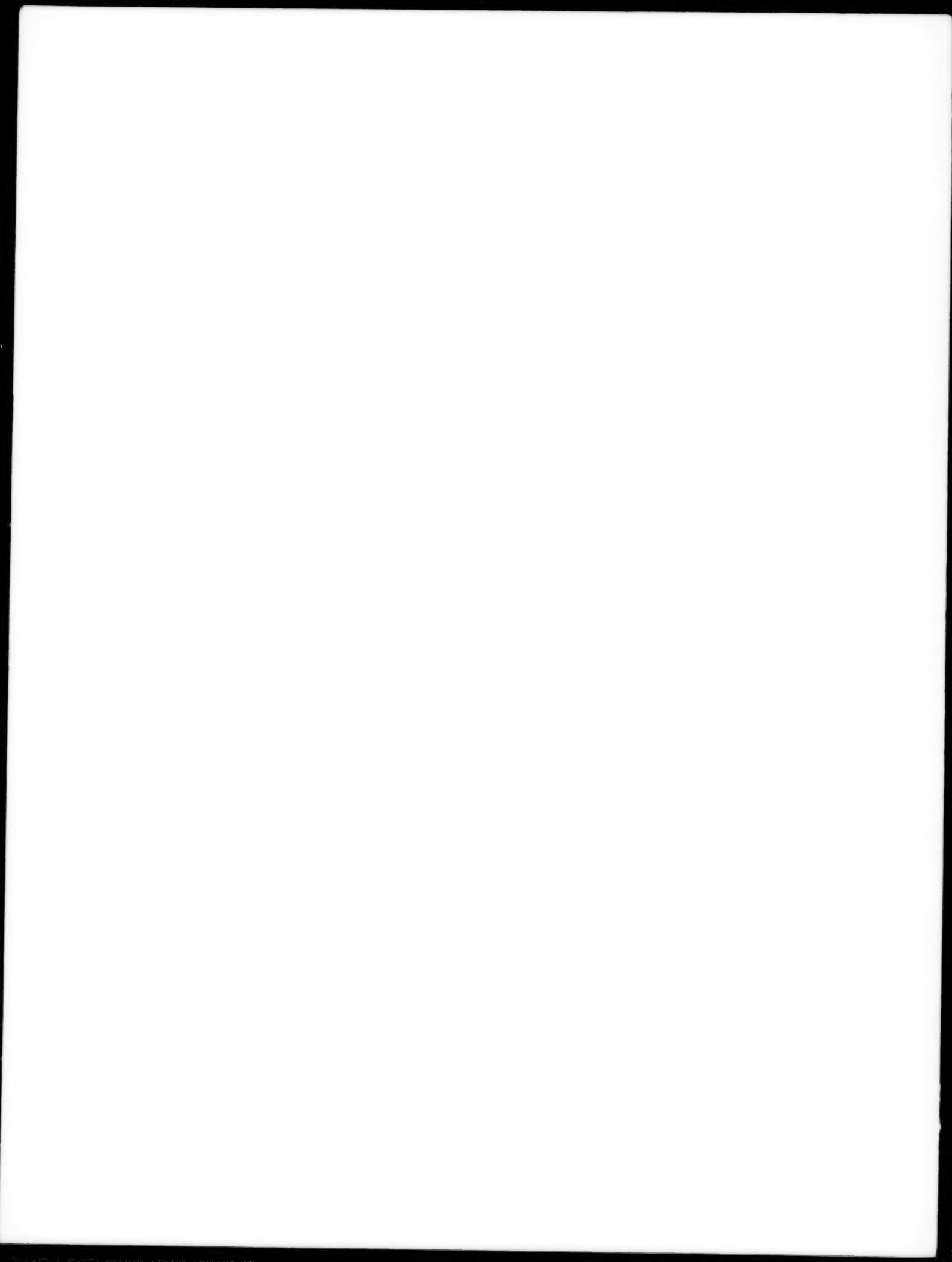
In addition to the INTERNET, the "Visa Bulletin" can be accessed and downloaded from the Consular Affairs electronic bulletin board. Those with a computer and modem should dial (202) 647-9225. No password or special software are required.

Individuals may also obtain the "Visa Bulletin" by FAX. From a FAX phone, dial (202) 647-3000. Follow the prompts and enter in the code 1038 to have the Bulletin FAXed to you.

To be placed on the Department of State's Visa Bulletin mailing list, please write to: Visa Bulletin, Visa Office, Department of State, Washington, D.C. 20522-0113. Only addresses within the U.S. postal system may be placed on the mailing list. Please include a recent mailing label when reporting changes or corrections of address; the Postal Service does NOT automatically notify the Visa Office of address changes. (Obtaining the Visa Bulletin by mail is a much slower option than any of the alternatives mentioned above.)

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